Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1979

No. 79-1101

CATALANO, INC., et al.,
Petitioners,

vs.

TARGET SALES, INC., et al.,
Respondents.

Reply to Brief of Donaghy Sales, Inc. in Opposition to Certiorari

WILLIAM L. RILEY
G. KIP EDWARDS
600 Montgomery Street
San Francisco, CA 94111
Counsel for Petitioners

JAMES P. SAMARCO
Suite 606, Fresno's Townehouse
2220 Tulare Street
Fresno, CA 93721

RICHARD E. LEVINE
ORRICK, HERRINGTON, ROWLEY & SUTCLIFFE
600 Montgomery Street
San Francisco, CA 94111
Of Counsel for Petitioners

SORG PRINTING COMPANY OF CALIFORNIA, 346 FIRST STREET, SAN FRANCISCO 94105

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Respondent Donaghy Sales, in opposing review by this Court, notes the absence of California from the group of 38 *amici* states, perhaps to imply that California is disinterested in or opposed to review. Any such implication would be wrong.

Appendix 1 to this reply is a February 15, 1980 letter to the Clerk of this Court from Mr. Richard B. Spohn, Director of the California Department of Consumer Affairs, and Mr. Baxter Rice, Director of the California Department of Alcoholic Beverage Control. As the agencies of the Executive Branch of the State of California charged with the

protection of consumer interests of California residents and the regulation of alcoholic beverages, these departments express in this letter their agreement with the 38 *amici* states and the United States that this Court should grant review and reverse the decision of the Ninth Circuit.

Respectfully submitted,

WILLIAM L. RILEY
G. KIP EDWARDS
600 Montgomery Street
San Francisco, CA 94111
Counsel for Petitioners

JAMES P. SAMARCO
Suite 606, Fresno's Townehouse
2220 Tulare Street
Fresno, CA 93721

RICHARD E. LEVINE
ORRICK, HERRINGTON, ROWLEY & SUTCLIFFE
600 Montgomery Street
San Francisco, CA 94111
Of Counsel for Petitioners

(Appendix Follows)

Appendix 1

STATE OF CALIFORNIA—STATE AND
CONSUMER SERVICES AGENCY

EDMUND G. BROWN JR., Governor

[Seal]

DEPARTMENT OF
CONSUMER AFFAIRS
(916) 445-3221
1020 N STREET,
SACRAMENTO, CALIFORNIA 95814

February 15, 1980

Mr. Michael Rodak, Jr.
Office of the Clerk
United States Supreme Court
1 First Street N.E.
Washington, D.C. 20543

Dear Mr. Rodak:

Catalano, Inc., et al., v.
Target Sales, Inc., et al.,
U. S. Supreme Court No. 79-1101

With respect to the above-entitled matter, we wish to join the 38 state Attorneys General and the Solicitor General of the United States as an amicus curiae in support of the petitioners' position.

We wish to call the court's attention to the important role that we play in antitrust enforcement, the right to

protect California citizens from unreasonable restraints of trade or commerce, and the additional burdens which would be placed upon us should the Circuit Court decisions become law.

As the constitutional and statutory officials responsible for the regulation of alcoholic beverages and the protection of consumer interests of the people of the State of California, we wish to accord the citizens of California the same protection as the people in the other states. Therefore, we request that we be allowed to join as amicus with the petitioner or the states Attorneys General, or the Solicitor General of the United States.

We also wish to inform you that we requested the California Attorney General to file an amicus brief on our behalf, but he declined to do so. We have, therefore, taken this action, as agencies in the Executive Branch of the State of California charged with this public trust.

Sincerely,

/s/ BAXTER RICE
BAXTER RICE
Director
Department of Alcoholic
Beverage Control

/s/ RICHARD B. SPOHN
RICHARD B. SPOHN
Director
Department of Consumer
Affairs